

E-Filed on: 06-17-09

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Attorneys for Temecula Public Finance Authority

**UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case Nos.

BK-S-06-10725-lbr

BK-S-06-10726-lbr

BK-S-06-10727-lbr

BK-S-06-10728-lbr

BK-S-06-10729-lbr

USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

Jointly Administered
 Chapter 11 Cases

USA CAPITAL FIRST TRUST DEED FUND,
 LLC,
 Debtor.

Date: May, 6, 2009
 Time: 1:30 p.m.
 Place: Courtroom 1
 Foley Federal Building
 300 Las Vegas Blvd., South
 Las Vegas, Nevada

USA SECURITIES, LLC,
 Debtor.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**NOTICE OF ENTRY OF ORDER ON MOTION TO DETERMINE THAT THE
 AUTOMATIC STAY DOES NOT APPLY WITH RESPECT TO CERTAIN PROPERTY
 OR, ALTERNATIVELY, TO TERMINATE THE AUTOMATIC STAY**

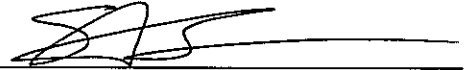
SIDHU LAW FIRM, LLC
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1 NOTICE IS HEREBY GIVEN that on the 11th day of June, 2009, an ORDER ON
2 MOTION TO DETERMINE THAT THE AUTOMATIC STAY DOES NOT APPLY WITH
3 RESPECT TO CERTAIN PROPERTY OR, ALTERNATIVELY, TO TERMINATE THE
4 AUTOMATIC STAY, was entered in the above-entitled matter, a copy of said Order is attached
5 hereto.

6 Dated this 17 day of June, 2009.

8 SIDHU LAW FIRM, LLC

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11 Ambrish S. Sidhu, Esq., Bar No.: 7516
12 810 S. Casino Center Blvd., Suite 104
13 Las Vegas, Nevada 89101
14 Attorney for Debtor
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CERTIFICATE OF SERVICE

1. On this 17th day of June, 2009, I served the following document(s) (specify):

NOTICE OF ENTRY OF ORDER ON MOTION TO DETERMINE THAT THE
AUTOMATIC STAY DOES NOT APPLY WITH RESPECT TO CERTAIN PROPERTY OR,
ALTERNATIVELY, TO TERMINATE THE AUTOMATIC STAY

2. I served the above-named document(s) by the following means to the persons as listed below:

(check all that apply)

☐ a. ECF System *(You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary)*

☐ b. United States mail, postage fully prepaid
(List persons and addresses. Attach additional paper if necessary)

Annette W Jarvis
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36 South State Street, #1400
Salt Lake City, UT 84 145-0385

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33 00 N Central Ave
Phoenix, AZ 85012

Gregory J Walch, Esq.
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Suite I

Las Vegas, NV 89 146-5308
Ashby USA, LLC
Attn: Ms. Jeanne Deringer
470 East Harrison Street
Corona, CA 92879

Nicholas J Santoro, Esq.
Santoro Driggs et al.
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Peter Susi, Esq.
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Santa Barbara, CA 93101
Tom Allison
USA Commercial Mortgage, et al
4484 South Pecos Road
Las Vegas, NV 89121
Office of the U.S. Trustee
300 Las Vegas Blvd. South
Suite 4300
Las Vegas, NV 89101

☐ c. Personal Service *(List persons and addresses. Attach additional paper if necessary)*

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handling the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

- ☐ **d. By direct email (as opposed to through the ECF System)**
(List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

- ☐ **e. By fax transmission**
(List persons and fax numbers. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

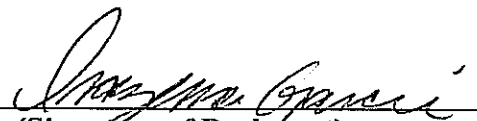
- ☐ **f. By messenger (List persons and addresses. Attach additional paper if necessary)**

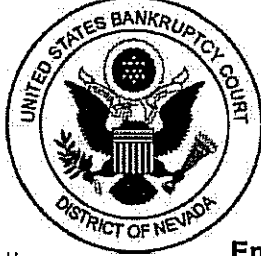
I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service)

I declare under penalty of perjury that the foregoing is true and correct.

Signed on (date): 06-17-09

Irazema Garcia
(Name of Declarant)


(Signature of Declarant)



Entered on Docket
June 11, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

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437 Madison Ave.
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Attorneys for Temecula Public Finance Authority

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

USA CAPITAL FIRST TRUST DEED FUND,
LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Case Nos.

BK-S-06-10725-lbr
BK-S-06-10726-lbr
BK-S-06-10727-lbr
BK-S-06-10728-lbr
BK-S-06-10729-lbr

Jointly Administered
Chapter 11 Cases

Date: May 18, 2009
Time: 9:30 a.m.
Place: Courtroom 1
Foley Federal Building
300 Las Vegas Blvd., South
Las Vegas, Nevada

Affects:

All Debtors

☒ USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

**ORDER ON MOTION TO DETERMINE THAT THE AUTOMATIC STAY
 DOES NOT APPLY WITH RESPECT TO CERTAIN PROPERTY OR,
ALTERNATIVELY, TO TERMINATE THE AUTOMATIC STAY**

The motion by the Temecula Public Finance Authority (the "Authority") to Determine that the Automatic Stay Does Not Apply with Respect to Certain Property or, Alternatively, to Terminate the Automatic Stay (the "Motion") came before this Court on May 18, 2009; all appearances for the parties were noted on the record; and upon review of the papers and pleadings on file in this matter, the arguments of counsel and good cause appearing, and

The Court having determined that the automatic stay imposed by 11 U.S.C. § 362(a) has no continued applicability in this case, because confirmation of the Plan revested property of the estate in the reorganized debtor or its successor within the meaning of 11 U.S.C. § 362(c)(1), and the confirmation order in this case is the functional equivalent of a discharge within the meaning of 11 U.S.C. § 362(c)(2)(C); therefore,

IT IS HEREBY ORDERED that the Authority's Motion is GRANTED, to the extent that this Court hereby determines that the automatic stay imposed by 11 U.S.C. § 362(a) does not apply to the Temecula Property (as defined in the Motion).

IT IS SO ORDERED.

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1
2 PREPARED AND SUBMITTED BY:

3 SIDHU LAW FIRM, LLC
4

5
6 By: 

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*Attorneys for Temecula Public Finance
Authority*

10
11 LEWIS AND ROCA, LLP
12

13
14 By: 

Rob Charles, Jr., Esq.
LEWIS AND ROCA, LLP
3993 Howard Hughes Pkwy., #600
Las Vegas, NV 89169
Attorneys for USACM Liquidating Trust

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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:

NAME	DATE CONTACTED	AGREE	DISAGREE
Rob Charles, Jr., Esq.	06-02-09	X	

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